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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,303	08/18/2003	Keiji Wakahara	2018-764	2009
23117	7590	07/05/2005	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			BENTON, JASON	
			ART UNIT	PAPER NUMBER
			3747	

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/642,303	WAKAHARA, KEIJI	
Examiner	Art Unit		
Jason Benton	3747		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 18 February 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-28 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-28 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 18 August 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami et al. in view of Kastner et al.

The patent by Murakami et al. (6,679,201) shows a cooling system for an internal combustion engine. The cooling system includes a radiator (7), a circulation line system (5), and a bypass fluid line (10) that bypasses the radiator. A flow rate control means (8) for controlling a bypass flow rate of the coolant flowing through the bypass fluid line. A coolant temperature sensor (31, 32) measures a coolant temperature of the coolant in the circulation line system. A coolant temperature control means (30) controls the coolant temperature of the coolant in the circulation line system by controlling the flow rate control means. The flow rate control means includes at least one of a valve and a pump (9) inserted in the circulation line system.

A coolant temperature sensor (31) is positioned between the engine and the radiator. The flow rate control means is a control valve that has a continuously variable degree of opening.

The patent by Murakami et al. does not disclose an abnormality diagnosis means. The patent by Kastner et al. (6,640,168) teaches of an abnormality diagnoses means which determines whether abnormality of the flow rate control means exists.

The abnormality diagnosis apparatus determines the existence of the abnormality of the flow rate control means based on one of an amount of change in the measured coolant temperature measured through the coolant temperature sensor, and a rate of change in the measured coolant temperature measured through the coolant temperature sensor.

The abnormality diagnosis means determines an estimated coolant temperature of the coolant in the circulation line system based on a parameter, which relates to the amount of heat generated by the internal combustion engine, and a parameter, which relates to the amount of heat released from the coolant. The abnormality diagnosis means determines the existence of the abnormality of the flow rate control means through comparison of the estimated coolant temperature and the measured coolant temperature measured through the coolant temperature sensor.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hirano et al.

The patent by Hirano does not show a pump, but it is inherent that the coolant circuit has a pump in the circulation line system at some point.

JB



Henry C. Yuen
Supervisory Patent Examiner
Group 3700